IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 3090 of 2007()

AGAINST THE ORDER IN LP.NO.55/2006 IN
ST.1415/2003 of J.M.F.C.,VADAKKANCHERRY

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PETITIONER/ACCUSED

SONY JOSEPH,
S/O.JOSEPH, AGED 47 YEARS,
MADUKUNYIVEL KIZHAKKUMBHAGAM, KARAYIL,
ETTUMANNUR VILLAGE, KOTTAYAM.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT AND STATE

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1. HAMSA,
S/O.AYMU, MANARATHODU HOUSE,
KALLEPADAM P.O., PAZHAYANNUR VILLAGE.

2. THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.3090/2007

DATED: 29-5-2007

O R D E R

Petitioner who is the accused in S.T. No. 1415/2003 of J.F.C.M, Wadakkanchery, for an offence punishable under Section 138 of the Negotiable Instruments Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in S.T. No.1415/2003 on the file of the J.F.C.M, Wadakkanchery, the case against the petitioner has been transferred to the Long Pending Case Register as L.P. Case No.55/2006. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of.

V.RAMKUMAR,
JUDGE.

mrcs